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**JAN 25 2005**

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January 25, 2005

**VIA FACSIMILE  
EXPEDITED PROCEDURE**

To: Examiner S. Sax  
Group Art Unit 2174  
U. S. P. T.O.

Facsimile No. 703-872-9306

From: Phillip E. Miller

Facsimile No. 703-761-2375

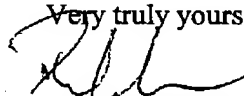
Re: Filing of Supplemental Response and Statement of Substance of Interview  
U. S. Patent Application Ser. No. 09/257,208  
Our Ref: ALM.008

Dear Examiner Sax:

Enclosed please find a Supplemental Response and Statement of Substance of Interview in this case.

Thank you in advance for your kind consideration of this case.

Very truly yours,



Phillip E. Miller

PEM/lmb  
Enclosure

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dryer et al.

Serial No.: 09/257,208

Group Art Unit: 2174

Filed: February 25, 1999

Examiner: Sax, S.

For: METHOD AND SYSTEM FOR REAL-TIME DETERMINATION OF A  
SUBJECTS INTEREST LEVEL TO MEDIA CONTENT

Honorable Assistant Commissioner of Patents  
Washington, D.C. 20231  
Box AF

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**SUPPLEMENTAL RESPONSE AND**  
**STATEMENT OF SUBSTANCE OF INTERVIEW**

Sir:

In supplement to the Amendment filed herein on January 24, 2005, Applicant provides herewith his Statement of Substance of the telephone interview which was conducted between the Examiner and Applicant's undersigned counsel on January 4, 2005.

1. **Brief description of nature of exhibits/demonstrations:** N/A
2. **Claims discussed:** 1, 62-64 and 67
3. **Prior art discussed:** Handel et al. (U. S. Pat. No. 6,195,651)
4. **Proposed amendments discussed:** We discussed possibly amending the claims to include a feature from one of claims 62-64 and 67.
5. **Arguments made by Applicant's representative:** We pointed out to the Examiner that the Declaration filed on April 28, 2003 effectively "swore behind" the Handel reference, and that even assuming (arguendo) that Handel is prior art against the claimed invention, Handel does not teach or suggest the claimed invention. For example, Handel does not teach or suggest the limitations of any of claims 62-64 and 67.
6. **Other pertinent matters:** N/A

09/257,208  
AM9-98-093

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7. **Result of Interview:** See Examiner's Interview Summary Sheet

Respectfully Submitted,

Date:

1/25/05



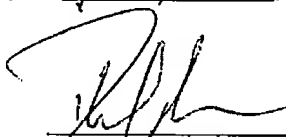
Phillip E. Miller

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Steven P. Sax, Group Art Unit # 2174 at fax number (703) 872-9306 this 25<sup>th</sup> day of January, 2005.



Phillip E. Miller

Reg. No. 46,060